

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ADP-00 CIAE-00 DODE-00 PM-07 H-03

INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-15 IO-13 NIC-01 ACDA-19 RSR-01 EB-11 OMB-01

TRSE-00 /131 W

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P 202045Z AUG 73

FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 4845

C O N F I D E N T I A L SECTION 1 OF 2 SAN JOSE 2945

E.O. 11652: GDS

TAGS: PFOR, OAS, CU, VE, CS

SUBJECT: VENEZUELAN INITIATIVE ON CUBA: COSTA RICAN MEMORANDUM
TO VENEZUELA

REF: SAN JOSE 2927 AND SAN JOSE 2946

DEPARTMENT PLEASE PASS TO ALL ARA DIPLOMATIC POSTS

1. SUMMARY. THE FOLLOWING IS A DETAILED SUMMARY OF THE 14 PAGE MEMORANDUM FACIO HANDED TO THE VENEZUELAN AMBASSADOR AUGUST 17. A COPY OF THAT MEMO IS BEING POUCHED TO USOAS AND ARA/CEN. THE MEMORANDUM ANNOUNCES THAT COSTA RICA CANNOT SUPPORT THE VENEZUELAN INITIATIVE BUT IT ALSO ARGUES FOR THE COSTA RICAN "ALTERNATIVE" AND INVITES VENEZUELA TO PROPOSE A MEETING OF THE ORGAN OF CONSULTATION TO CARRY IT OUT END SUMMARY.

2. MAIN POINTS IN THE MEMO ARE AS FOLLOWS:

A) CR GENERALLY AGREES WITH THE CONCEPTS OF PRESENT INTERNATIONAL REALITY PUT FORWARD BY THE VENEZUELAN AIDE MEMOIRE, PARTICULARLY THE ARGUMENT THAT CHANGED INTERNATIONAL
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REALITIES AND THE GENERAL ASSEMBLY'S APPROVAL

OF THE CONCEPT OF IDEOLOGICAL PLURALISM MEAN
THE MOMENT HAS COME FOR MEMBER STATES TO STUDY
THEIR RELATIONSHIPS WITH CUBA. NEVERTHELESS,
THESE ARGUMENTS HAVE NO DIRECT RELATION TO

THE RESOLUTION PROPOSED WP IN VENEZUELAN
RESOLUTION 1 OF THE 9TH MEETING WAS NOT
ADOPTED BECAUSE OF CUBA'S ADHESION TO
MARXISM-LENINISM BUT BECAUSE OF DEMONSTRATED
ACTS OF AGGRESSION AND INTERVENTION IN THE
INTERNAL AFFAIRS OF VENEZUELA.

B) THE CR FONOFF DOES BELIEVE THAT
VENEZUELA'S ARGUMENTS DEMONSTRATE THE
ILLEGALITY, OR AT LEAST ANARCHRONISM, OF
RESOLUTION 6 OF THE 8TH MEETING OF CONSULTATION.
IN FACT, BELIEVING AS IT DOES THAT IDEOLOGICAL
PLURALISM IS A DIRECT AND IMMEDIATE CONSEQUENCE
OF THE BASIC PRINCIPLES OF THE AMERICAN
SYSTEM--JURIDICAL EQUALITY, SELF-DETERMINATION,
AND NON-INTERVENTION--AND THAT ARTICLE 16 OF
THE CHARTER GIVES EACH MEMBER THE RIGHT TO
CHOOSE ITS OWN SYSTEM, THE CR FONOFF CONCLUDES
THAT IT WAS NEVER LEGAL TO EXCLUDE THE GOVERN-
MENT OF A MEMBER STATE FROM PARTICIPATION IN
THE IA SYSTEM BECAUSE IT HAD EMBRACED A GIVEN
IDEOLOGY. THIS CONCLUSION IS NOT AFFECTED
BY THE FACT THAT CUBA SHOWS NO INTEREST IN
RETURNING TO THE OAS. THE IMPORTANT POINT
IS TO ESTABLISH THE PRINCIPLE THAT NO GOVERN-
MENT MAY BE EXCLUDED FROM THE SYSTEM ON
IDEOLOGICAL GROUNDS.

C) CR ALSO SHARES VENEZUELA'S CONCERN
THAT SEVEN MEMBER STATES HAVE DECIDED TO IGNORE
THE 9TH MEETING'S RESOLUTION. THIS SEVERELY
ERODES THE RIO TREATY AND CREATES TENSION
IN THE SYSTEM. BUT CR DOES NOT BELIEVE THAT
THE ANSWER TO THAT PROBLEM LIES IN LETTING
THE PERMANENT COUNCIL PERMIT GOVERNMENT TO DO
PRECISELY WHAT HAS BEEN PROHIBITED BY THE 9TH
MEETING. THIS WOULD ONLY WEAKEN FURTHER THE RIO
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TREATY'S AUTHORITY AND INTENSIFY INTER-AMERICAN
TENSIONS.

D) SINCE THE ACTION OF THE 9TH MEETING
IS BASED ON ACTS OF INTERVENTION AND SUPPORT
OF SUBVERSION, CONSTITUTING A DANGER TO
THE PEACE, ANY CONCLUSION THAT CUBA NO
LONGER ENGAGES IN SUCH ACTS OR SUBVERSION
MUST LEAD TO AGREEMENT THAT CUBA "HAS

CEASED TO CONSTITUTE A DANGER TO THE PEACE
AND SECURITY OF THE CONTINENT". THERE WOULD
THEN BE NO JURIDICAL BASIS FOR MAINTAINING

THE SANCTIONS.

E) CR UNDERSTANDS VENEZUELA'S RELUCTANCE
TO RAISE THE QUESTION FRONTALLY IN A MEETING
OF THE ORGAN OF CONSULTATION'S MEMORANDUM OF

THE 9TH MEETING'S
DELEGATION LEFT THE SOLUTION TO THE PROBLEM
OF SANCTIONS IN THE HANDS OF A MINORITY,
GIVING THEM IN EFFECT A VETO OVER THE WILL
OF ANY MAJORITY WHICH MIGHT WANT TO END
THE SANCTIONS.

NOTE BY OC/T: NOT PASSED ALL ARA DIPLOMATIC POSTS.

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC PRIORITY 4846

C O N F I D E N T I A L SECTION 2 OF 2 SAN JOSE 2945

F) IF A MAJORITY OF AMERICAN STATES ARE
AGREEABLE TO EXAMINE THE CUBAN CASE TO DETERMINE
IF SANCTIONS SHOULD BE MAINTAINED OR NOT, THEN
THE PROBLEM TO WHICH THE PRESENT VENEZUELAN
INITIATIVE IS AIMED COULD BE RESOLVED DIRECTLY,
LEGALLY AND WITHOUT WEAKENING THE RIO TREATY
FURTHER. THE ORGAN HAS EXCLUSIVE COMPETENCE
TO IMPLEMENT THE RIO TREATY. RESOLUTION

ONE'S DELEGATION TO THE COUNCIL OF THE COMPETENCE TO DETERMINE WHEN SANCTIONS CAN BE LIFTED IS JURIDICALLY QUESTIONABLE. BUT IN ANY CASE, IN SPITE OF THIS DELEGATION, THE ORGAN ALWAYS HAD THE ORIGINAL COMPETENCE TO ACT ON QUESTION OF THE TREATY'S APPLICATION. IF A MAJORITY OF MEMBER STATES ARE PREPARED TO RECONSIDER THE CASE OF SANCTIONS, THE CONVOQATION OF A MEETING OF CONSULTATION TO STUDY THE POINT CAN EASILY BE DONE, THROUGH A MAJORITY VOTE OF THE COUNCIL PER ARTICLES 13 AND 16 OF THE TREATY AND 60 OF THE CHARTER.

G) ARTICLE 17 OF THE TREATY STATES THAT THE ORGAN'S DECISIONS WILL BE BY A TWO-THIRDS VOTE. THE CONVOCATION OF THE MEETING OF CONSULTATION WOULD BE FOR THE PURPOSE OF EXAMINING

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CUBA'S INTERNATIONAL CONDUCT AND TO DECIDE IF ON THAT BASIS THE SANCTIONS SHOULD BE CONTINUED OR NOT. IF SUCH AN EXAMINATION REVEALS THAT CPQ DTOOS NOT ENGAGE IN THE KINDS OF ACTS OF INTERVENTION AND SUBVERSION THAT GAVE RISE TO THE SANCTIONS, IT WOULD BE IPSO FACTO ILLEGAL TO MAINTAIN THEM. WHOEVER DID SO WOULD BE VIOLATING THE RESOLUTION OF THE 9TH MEETING ITSELF BY WISHING TO EXTEND ITS EFFECTS UNDULY. TO MAINTAIN THE SANCTIONS THE ORGAN OF CONSULTATION WOULD HAVE TO VOTE TO DO SO BY A TWO-THIRDS VOTE. IF NOT ACHIEVED, SANCTIONS COULD NOT BE MAINTAINED LEGALLY, AND EACH MEMBER STATE WOULD BE FREE TO DECIDE WHETHER OR NOT TO RENEW DIPLOMATIC AND CONSULAR RELATIONS.

H) COSTA RICA GIVES GREAT IMPORTANCE TO THE RIO TREATY. IT AGREES SOME REFORMS MAY BE NEEDED, BUT IT WISHES TO STRENGTHEN THE PEACE-KEEPING SYSTEM OF THE TREATY. IT IS ALREADY WORRIED OVER THE EROSION IN THE AUTHORITY OF THE TREATY. THIS WOULD BECOME WORSE IF THE PERMANENT COUNCIL OFFICIALLY AUTHORIZED STATES TO IGNORE WHAT THE 9TH MEETING HAD ESTABLISHED UNDER THE TREATY.

I) ON THE OTHER HAND, COSTA RICA IS ALSO WORRIED BY AN INDEFINITE MAINTENANCE OF THE SANCTIONS AGAINST CUBA. THIS IS NOT ONLY BECAUSE OF LACK OF A JURIDICAL BASE, BUT BECAUSE THEY PREJUDICE THE CUBAN PEOPLE, PERMIT THE CUBAN GOVERNMENT TO JUSTIFY AND

MAINTAIN TOUGH AUTHORITARIAN MEASURES, AND, FAR FROM REDUCING SOVIET INFLUENCE, MAKE CUBA TOTALLY DEPENDENT ON HER. ELIMINATION OF SANCTIONS MIGHT PERMIT SOFTENING OF THE TERRIBLE INTERNAL RESTRICTIONS PLACED ON THE CUBAN PEOPLE, AND REOPEN A DIALOGUE.

3. THE MEMO THEN CLOSES WITH TWO OPERATIVE PARAGRAPHS WHICH WE BELIEVE WORTH QUOTING IN CONFIDENTIAL

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THEIR ENTIRETY:

QUOTE IN VIEW OF THE FOREGOING, THIS FOREIGN OFFICE RESPONDS AS FOLLOWS TO THE CONSULTATION SO KINDLY MADE BY THE VENEZUELAN CANCELLERIA:

QUOTE I. COSTA RICA GREATLY REGRETS THAT IT CANNOT OFFER ITS FAVORABLE VOTE TO THE PROPOSED RESOLUTION OF THE VENEZUELAN FOREIGN OFFICE, A) BECAUSE IT CONSIDERS IT JURIDICALLY IMPOSSIBLE TO AUTHORIZE WHAT LEGALLY IS PROHIBITED; B) BECAUSE EVEN THOUGH IT BELIEVES IT IS POLITICALLY AND MORALLY CONVENIENT TO LIFT THE SANCTIONS DECREED AGAINST CUBA, IT DOES NOT BELIEVE THAT THE ROAD SUGGESTED BY THE VENEZUELAN FOREIGN OFFICE IS THE BEST, OR EVEN THE ONLY, ALTERNATIVE TO ACHIEVE THIS END, AND C) BECAUSE IT DOES NOT WISH TO REDUCE THE AUTHORITY OF THE RIO TREATY THROUGH THE ADOPTION BY THE PERMANENT COUNCIL OF A RESOLUTION WHICH PERMITS THE IGNORING OF WHAT THE ORGAN OF CONSULTATION RULES IN APPLICATION OF THE TREATY.

QUOTE II.
THE COSTA RICAN FOREIGN OFFICE
WOULD BE DISPOSED TO SUPPORT AND EVEN CO-SPONSOR AN INITIATIVE BY THE VENEZUELAN FOREIGN OFFICE AIMED AT CONVOKING THE ORGAN OF CONSULTATION OF THE TREATY, SO THAT, HAVING FIRST DETERMINED IF CUBA HAS COMMITTED OR NOT, IN RECENT YEARS, ACTS OF AGGRESSION OR INTERVENTION AGAINST ITS NEIGHBORS IN AMERICA, IT MAY DECIDE IF THE SANCTIONS DECREED BY THE 9TH MEETING OF CONSULTATION SHOULD BE MAINTAINED OR NOT UNQUOTE.
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